

**MIRIAM TAUBER LAW**

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June 3, 2022

**Via ECF**

Hon. Robert W. Lehrburger (U.S.M.J., S.D.N.Y.)

***Avalon Holdings Corp. v. Gentile et. al., No. 18-cv-7291-VSB (RWL) (S.D.N.Y.)  
and New Concept Energy, Inc. v. Gentile, et. al., No. 18-cv-8896-VSB (RWL) (S.D.N.Y.)***

**Re: Plaintiffs' Request to Adjourn Discovery Conference Pending Filing of Reply Brief**

Your Honor:

I write on behalf of the Plaintiffs to respectfully request that the conference scheduled for Monday, June 6, 2022, be adjourned until the pending motion on damages has been fully submitted to the Court.

Plaintiffs' damages brief was filed on May 9, 2022, pursuant to the Court's order following entry of Summary Judgment in favor of the Plaintiffs. Prior to filing their Opposition, Defendants filed an oversized "letter" motion to permit additional discovery, which Plaintiffs have opposed, and which the upcoming conference has been scheduled to address.

In the interim, Defendants have filed their Opposition to Plaintiffs' damages brief, which relies heavily on the new evidence that Defendants seek permission to introduce.

Plaintiffs' Reply brief is due to be filed on June 13, 2022.

Plaintiffs respectfully submit that it would be more helpful and economical for the conference to be held after briefing is fully submitted, and the Court is fully informed as to the parties' positions on the procedural and substantive issues raised by the pending motions. Plaintiffs therefore propose that the conference be adjourned until (on or after) June 14, 2022.

Plaintiffs have conferred with Defendants and note that the Defendants do not agree with this adjournment request.

Respectfully,

*s/ Miriam Tauber*

Miriam Tauber  
*Attorney for Plaintiffs*

6-4-2022

cc (by ECF): all counsel

Request DENIED.



Robert W. Lehrburger  
United States Magistrate Judge  
Southern District of New York